

AMENDED IN ASSEMBLY APRIL 14, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1292

Introduced by Assembly Member Bonnie Lowenthal

February 27, 2009

~~An act to amend Section 34506.4 of the Vehicle Code, relating to vehicles.~~ *An act to amend Section 39625.5 of the Health and Safety Code, relating to air pollution.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1292, as amended, Bonnie Lowenthal. ~~Commercial motor vehicles; unsafe vehicles.~~ *Goods Movement Emission Reduction Program.*

Existing law, the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006, approved by the voters as Proposition 1B at the November 7, 2006, general election, authorizes the issuance of general obligation bonds for various transportation-related purposes, including reducing emissions and improving air quality in trade corridors. The State Air Resources Board is required to allocate the funds to be used for air quality purposes pursuant to specified requirements.

This bill would require that priority be given to projects that secure other supplemental funding in an amount that is above a percentage requirement required by existing law, as provided.

~~Existing law authorizes any member of the Department of the California Highway Patrol to remove from the highway and have placed in a storage facility specified commercial motor vehicles and any motortruck with a gross vehicle weight rating of more than 10,000~~

pounds, which are in an unsafe condition, or impound a farm labor vehicle operated in violation of specified provisions of law.

~~This bill would make technical, nonsubstantive changes to these provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 39625.5 of the Health and Safety Code*
2 *is amended to read:*

3 39625.5. (a) (1) Upon appropriation by the Legislature from
4 the funds made available by paragraph (2) of subdivision (c) of
5 Section 8879.23 of the Government Code, the state board shall
6 allocate funds on a competitive basis for projects that are shown
7 to achieve the greatest emission reductions from each emission
8 source identified in subdivision (c) of Section 39625.1, not
9 otherwise required by law or regulation, from activities related to
10 the movement of freight along California's trade corridors,
11 commencing at the state's airports, seaports, and land ports of
12 entry.

13 (2) Projects eligible for funding pursuant to paragraph (1) shall
14 include, but are not limited to, the following:

15 (A) The replacement, repower, or retrofit of heavy-duty diesel
16 trucks.

17 (B) The replacement, repower, or retrofit of diesel locomotive
18 engines, with priority given to switching locomotive engines,
19 provided that before any project is authorized for a locomotive
20 engine operated and controlled by a railroad company that has
21 entered into a memorandum of understanding or any other
22 agreement with a state or federal agency, a local air quality
23 management district, or a local air pollution control district,
24 including, but not limited to, the ARB/Railroad Statewide
25 Agreement Particulate Emissions Reductions Program at California
26 Rail Yards, dated June 2005, the state board shall determine that
27 the emission reductions that would be achieved by the locomotive
28 engine are not necessary to satisfy any mandated emission
29 reduction requirement under any such agreement.

30 (C) The replacement, repower, or retrofit of harbor craft that
31 operates at the state's seaports.

1 (D) The provision of on-shore electrical power for ocean freight
2 carriers calling at the state's seaports to reduce the use of auxiliary
3 and main engine ship power.

4 (E) Mobile or portable shoreside distributed power generation
5 projects that eliminate the need to use the electricity grid.

6 (F) The replacement, repower, or retrofit of cargo handling
7 equipment that operates at the state's seaports and rail yards.

8 (G) Electrification infrastructure to reduce engine idling and
9 use of internal combustion auxiliary power systems at truck stops,
10 intermodal facilities, distribution centers, and other places where
11 trucks congregate.

12 (b) (1) The state board shall allocate funds in a manner that
13 gives priority to emission reduction projects that achieve the
14 earliest possible reduction of health risk in communities with the
15 highest health risks from goods movement facilities. *Priority shall*
16 *also be given to projects that secure other supplemental funding*
17 *in an amount that is above the specified percentage requirement*
18 *determined pursuant to subparagraph (B) of paragraph (1) of*
19 *subdivision (a) of Section 39626, in these high risk communities,*
20 *as determined by the state board.*

21 (2) In evaluating which projects to fund, the state board shall
22 at a minimum consider all of the following criteria:

23 (A) The magnitude of the emission reduction.

24 (B) The public health benefits of the emission reduction.

25 (C) The cost-effectiveness and sustainability of the emissions
26 reductions.

27 (D) The severity and magnitude of the emission source's
28 contributions to emissions.

29 (E) Regulatory and State Implementation Plan requirements,
30 and the degree of surplus emissions to be reduced.

31 (F) The reduction in greenhouse gases, consistent with and
32 supportive of emission reduction goals, consistent with existing
33 law.

34 (G) The extent to which advanced emission reduction
35 technologies are to be used.

36 (H) The degree to which funds are leveraged from other sources.

37 (I) The degree to which the project reduces air pollutants or air
38 contaminants in furtherance of achieving state and federal ambient
39 air quality standards and reducing toxic air contaminants.

1 (J) The total emission reductions a project would achieve over
2 its lifetime per state dollar invested.

3 (K) Whether an emissions reduction is likely to occur in a
4 location where emissions sources in the area expose individuals
5 and population groups to elevated emissions that result in adverse
6 health effects and contribute to cumulative human exposures to
7 pollution.

8 (c) The state board shall ensure that state bond funds are
9 supplemented and matched with funds from federal, local, and
10 private sources to the maximum extent feasible.

11 SECTION 1. Section 34506.4 of the Vehicle Code is amended
12 to read:

13 ~~34506.4. (a) A member of the Department of the California~~
14 ~~Highway Patrol may remove from the highway and have placed~~
15 ~~in a storage facility, a vehicle described in subdivision (a) of~~
16 ~~Section 22406 or subdivision (g) of Section 34500 or a motortruck~~
17 ~~with a gross vehicle weight rating of more than 10,000 pounds if~~
18 ~~the vehicle or motortruck which is in an unsafe condition.~~

19 ~~(b) A member of the Department of the California Highway~~
20 ~~Patrol may impound a farm labor vehicle operated in violation of~~
21 ~~subdivision (b) of Section 2800, subdivision (a) of Section 24002.5,~~
22 ~~or subdivision (a) of Section 31402, subject to the following~~
23 ~~requirements:~~

24 ~~(1) A farm labor vehicle impounded for a first violation of~~
25 ~~subdivision (b) of Section 2800, subdivision (a) of Section 24002.5,~~
26 ~~or subdivision (a) of Section 31402 may be released within 24~~
27 ~~hours upon delivery to the impounding authority of satisfactory~~
28 ~~proof that the vehicle will be legally moved or transported to a~~
29 ~~place of repair.~~

30 ~~(2) A farm labor vehicle shall be impounded for not less than~~
31 ~~10 days for a second violation of subdivision (b) of Section 2800,~~
32 ~~subdivision (a) of Section 24002.5, or subdivision (a) of Section~~
33 ~~31402, or any combination of two of those provisions, if the~~
34 ~~original equipment or maintenance violation has not been repaired~~
35 ~~to comply with existing law. The farm labor vehicle shall be~~
36 ~~released after 10 days upon delivery to the impounding authority~~
37 ~~of satisfactory proof that the vehicle has been repaired to comply~~
38 ~~with existing law, or upon delivery to the impounding agency of~~
39 ~~satisfactory proof that the vehicle will be lawfully moved or~~
40 ~~transported to a place of repair.~~

1 ~~(3) A farm labor vehicle shall be impounded for not less than~~
2 ~~30 days for a third or subsequent violation of subdivision (b) of~~
3 ~~Section 2800, subdivision (a) of Section 24002.5, or subdivision~~
4 ~~(a) of Section 31402, or any combination of three or more of those~~
5 ~~provisions, if the original equipment or maintenance violation has~~
6 ~~not been repaired to comply with existing law. The farm labor~~
7 ~~vehicle shall be released after 30 days upon delivery to the~~
8 ~~impounding authority of satisfactory proof that the vehicle has~~
9 ~~been repaired to comply with existing law, or upon delivery to the~~
10 ~~impounding agency of satisfactory proof that the vehicle will be~~
11 ~~lawfully moved or transported to a place of repair.~~

12 ~~(e) All towing and storage fees for a vehicle removed under this~~
13 ~~section shall be paid by the owner.~~